

REMARKS

Claims 1-20 remain in the application. No changes to the claims have been made in this Response.

Claim Rejections - 35 USC 102

Claims 1-20 stand rejected under 35 USC §102(b) as being anticipated by Shirasaki et al, WO 2004/074378¹ (Shirasaki). The Applicants respectfully submit that these rejections are overcome by perfecting the claim of priority in the instant application.

Specifically, the Applicants respectfully submit herewith an English language translation of the PCT priority document for the instant application, PCT Application No. JP/04/02883 (the PCT ‘883 application), along with a “Statement of Accuracy of the Translation” executed by a person familiar with the Japanese language to attest to the accuracy of the English language translation. The Applicants’ submission of the English language translation of the PCT ‘883 application and the Statement effectively proves the proper claim of priority in the instant application to the PCT ‘883 application and antedates the publication date of Shirasaki such that the rejection of claims 1-20 over Shirasaki must be withdrawn.

As set forth above, the Applicants respectfully submit that these rejections are overcome by perfecting the claim of priority in the instant application to the PCT ‘883 application. Referring to the filing receipt for the instant application, the claim of priority to the PCT ‘883 application for the instant application has been acknowledged by the USPTO. While the PCT ‘883 application is written in the Japanese language, the accompanying English language translation and Statement of Accuracy of Translation prove the Applicants’ entitlement to the filing date of at least the PCT ‘883

¹ English language equivalent: US 2007/0015868.

application. As such, the Applicants respectfully submit that the instant application is properly entitled to priority to March 5, 2004, the filing date of the PCT '883 application.

Turning to Shirasaki, this WO publication was first published on September 2, 2004². As such, the Applicants respectfully submit that Shirasaki is not available as prior art against the instant application under 35 USC §102.

In view of the foregoing, the Applicants respectfully submit that the rejections of claims 1-20 under 35 USC §102(b) over Shirasaki must be withdrawn.

Conclusions

The Applicants respectfully submit that independent claims 1 and 4, are both novel and non-obvious, in view of the disclosure, teachings, and suggestions of the prior art such that claims 1 and 4, as well as the claims that depend therefrom, are in condition for allowance.

If any additional fees are necessary to respond to the outstanding Office Action, you are hereby authorized to charge such fees to Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

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² Published in the Japanese language.